

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

KANYE CLARY
101 S. Fir Avenue
Virginia Beach, VA 23452

Plaintiff,

CASE NO. 2:24-cv-6793

vs.

PENNSYLVANIA STATE UNIVERSITY
201 Old Main
University Park, PA 16802

and

MICHAEL RHOADES
201 Old Main
University Park, PA 16802

and

HAPPY VALLEY UNITED
1828 Good Pope Road
Enola, PA 17025

and

SUCCESS WITH HONOR NIL, INC.
1828 Good Hope Road, Suite 102
Enola, PA 17025

and

BLUEPRINT SPORTS AND ENTERTAINMENT,
LLC
1120 N Town Center Dr #160
Las Vegas, NV 89144

and

JOHN DOES 1-10
201 Old Main
University Park, PA 16802

and

ABC CORPORATIONS 1-10
201 Old Main
University Park, PA 16802

Defendants.

**THE NOTICE OF REMOVAL OF DEFENDANTS, THE PENNSYLVANIA STATE
UNIVERSITY AND MICHAEL RHOADES**

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendants, The Pennsylvania State University (incorrectly pled as “Pennsylvania State University”) (“Penn State”) and Michael Rhoades (“Rhoades”) (collectively “Defendants”), hereby remove the subject action from the Court of Common Pleas, Philadelphia County to the United States District Court for the Eastern District of Pennsylvania on the following grounds:

1. Plaintiff, Kanye Clary (“Plaintiff”), is a natural person who resides in Princess Anne, Virginia.
2. Penn State is a state-related institution of higher learning located in Centre County, Pennsylvania.
3. Rhoades is a natural person who resides in State College, Pennsylvania.

NATURE OF CASE

4. On November 27, 2024, Plaintiff commenced this action in the Court of Common Pleas, Philadelphia County, entitled *Kanye Clary v. Pennsylvania State University, et al.*, Case ID: 241103388 via the Complaint with Notice. A true and correct copy of the Complaint with Notice (the “Complaint”) is attached hereto as **Exhibit A**.

5. On December 2, 2024, Plaintiff served Defendants with the Complaint. *See id.* No other process, pleadings, or orders have been served on Defendants.

GROUND FOR REMOVAL

6. Plaintiff makes claims against Defendants for defamation, racial discrimination and unjust enrichment. *See id.* Plaintiff also makes several claims against Defendants under 15 U.S.C. § 1 in alleged violation of Section 1 of the Sherman Act. *See id.* at ¶¶ 72 – 98. All counts of the Complaint request damages under the Sherman Act. *See id. generally.*

7. This Court has original jurisdiction over the subject action pursuant to 28 U.S.C. § 1331 since there is a federal question. Further, federal courts have exclusive jurisdiction over federal antitrust claims, and as such, since Plaintiff makes allegations under the Sherman Act, only the federal court has the authority to hear these claims. *See* 28 U.S. Code § 1337; *see also Nanavati v. Burdette Tomlin Mem. Hosp.*, 857 F.2d 96, 112 (3d Cir. 1988) (federal courts retain exclusive jurisdiction over federal antitrust claims).

8. Therefore, pursuant to 28 U.S.C. § 1441, *et seq.*, this action must be removed from the Court of Common Pleas, Philadelphia County, to the United States District Court for the Eastern District of Pennsylvania.

9. Removal is timely under 28 U.S.C. § 1446 because this Notice of Removal is filed within 30 days after Defendants' receipt of the Complaint, filed in the Court of Common Pleas, Philadelphia County.

10. Attached hereto as **Exhibit B** is a copy of Defendants' Notice of Filing Notice of Removal to be filed in the Court of Common Pleas, Philadelphia County, Case ID: 241103388.

11. Moreover, under 28 U.S. Code § 1446, all defendants who have been properly joined and served must consent to removal.

12. Defendants, Blueprint Sports and Entertainment, LLC (“Blueprint”)¹ and Success with Honor NIL, Inc. (“Success with Honor”), have all been served and have consented to removal. Attached hereto as **Exhibit C** is a copy of the executed consent forms.

13. It is upon information and belief that the remaining Defendants, John Does 1-10, and ABC Corporations 1-10 (collectively the “remaining Defendants”) have not been and cannot be served as they are fictitious entities.

14. Notice of this Removal will promptly be filed with the Court of Common Pleas, Philadelphia County and served upon all parties.

CONCLUSION

WHEREFORE, Defendants, The Pennsylvania State University (incorrectly pled as “Pennsylvania State University”) (“Penn State”) and Michael Rhoades, by their counsel, remove the subject action from the Court of Common Pleas, Philadelphia County to this United States District Court for the Eastern District of Pennsylvania.

Date: December 20, 2024

BUCHANAN INGERSOLL & ROONEY PC

/s/ Geoffrey F. Sasso

Geoffrey F. Sasso, Esq. (PA. ID. No. 202936)

Andrew Hope, Esq. (PA. ID. No. 317932)

¹ Defendant, Happy Valley United, is a fictitious name used by Blueprint.

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*Attorneys for Defendants, The Pennsylvania
State University (incorrectly pled as
“Pennsylvania State University”) and Michael
Rhoades*

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December 2024, I caused a copy of the foregoing Notice of Removal to be electronically filed with the Clerk via CM/ECF. Notice of this filing will be sent by electronic mail to the following party:

Michael S. Katz, Esq.
Lopez McHugh, LLP
214 Flynn Avenue
Moorestown, New Jersey 08057
(856) 272-8500
mktaz@lopezmchugh.com
Attorney for Plaintiff, Kanye Clary

Notice of this filing will be sent via regular mail to the following parties:

Happy Valley United
1828 Good Hope Road
Enola, PA 17025

Success With Honor NIL, INC.
1828 Good Hope Road, Suite 102
Enola, PA 17025

Blueprint Sports and Entertainment, LLC
1120 N Town Center Dr # 160
Las Vegas, NV 89144

Dated: December 20, 2024

/s/ Geoffrey F. Sasso
Geoffrey F. Sasso